

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
MEETING OF
October 24-25, 2002
Oxford Suites
Yakima, WA**

MINUTES

THURSDAY, OCTOBER 24, 2002

PUBLIC FORUM

“Farm Workers: Your Rights and Responsibilities as an Injured Worker”

ATTENDANCE

Commissioners: Rudy Vasquez, Commission Chair; Charlotte Coker; Ellis Casson; Dallas Barnes; and J. Reiko Callner.

Staff: Susan (Sue) J. Jordan, Executive Director; Dariush (D.K.) Khaleghi, Deputy Director; Tanya Calahan, Commission Clerk; Arthur Stratton, District Manager; Sharon Ortiz, Field Service Manager; San Juanita Soto and Pam Drotning, Equal Opportunity Compliance Investigators; Christina Mendoza, Office Assistant Senior; Susan Carlson, Assistant Attorney General.

Guests: Raul “Monty” Paradis, Jose Rodriguez, Marla Gallegos, Ramon Benavides, WA State Department of Labor & Industries; Lupe Gamboa, United Farm Worker’s Union; Antonio Ginatta, Commission on Hispanic Affairs; Heliodoto Ramirez; Moises Sandoval; Ruben Escobar; Javier Chavez; Pedro Eloisa; Armondo Tapia Aguilor; Alice Lara; Julio Parona; Jesus Hernandez; Nabor Escobar; Maria Para; and Avelino Baraja. There were many others in attendance. However, they did not sign in.

OPENING

The meeting was called to order at 6:30 p.m. by Commissioner Vasquez. He explained the role of the Commission and the purpose and format of the forum. Commission staff introduced themselves to the audience.

WA STATE DEPARTMENT OF LABOR & INDUSTRIES PRESENTATION

Raul "Monty" Paradis spoke on behalf of WA State Department of Labor & Industries (L&I). Mr. Paradis explained the activities that L&I is engaged in to address the needs of farm workers and limited English speaking and monolingual individuals in accessing L&I services. He explained worker rights and responsibilities. Retaliation complaints and the retaliation complaint process was discussed.

Jose Rodriguez spoke about his role at L&I. He is working with Mr. Paradis, farm worker advocacy groups, Columbia Legal Services, the Governor's office, and others on various projects to address the needs of Spanish speaking individuals in accessing L&I programs and services. As part of this effort L&I staff is working to simplify forms, pamphlets, and brochures.

UNITED FARM WORKERS UNION PRESENTATION

Mr. Lupe Gamboa spoke on behalf of United Farm Workers Union (UFW). He talked about the challenges faced by injured farm workers. Specifically, he mentioned the number of on the job fatalities and injuries. He touched on concerns regarding the limited number of Spanish speaking L&I staff in the Yakima area and difficulties with the L&I claims process. A survey was conducted about the L&I claims process. Eighty-nine percent of those surveyed indicated that they were dissatisfied with the process. He shared information about 150 individuals who feel that their L&I claims were improperly handled. Mr. Gamboa will provide information about these cases to the Commission through the Clerk.

WA STATE HUMAN RIGHTS COMMISSISON PRESENTATION

Field Service Manager Sharon Ortiz and Equal Opportunity Compliance Investigator San Juanita Soto gave a presentation about the jurisdiction of the Commission. They focused on disability and national origin discrimination. They explained the complaint process from intake of the complaint to the investigative finding. They also explained how complaints result in "no reasonable cause" and "reasonable cause." Ms. Ortiz and Ms. Soto explained rights and responsibilities under the Law Against Discrimination.

OPEN FORUM

Many individuals from the audience addressed the Commission. Concerns were expressed about various farm worker issues such as on the job injuries and deaths; the lack of light duty work; slow payment of claims; denied claims; concerns about L&I doctors and retaliation. A participant made a suggestion that Spanish radio be used to publicize farm worker rights and responsibilities.

On behalf of the Commission, Commissioner Vasquez thanked everyone in attendance for coming to the public forum. He stated that the Commission will generate a report and distribute it as follow up to the public forum.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.

Respectfully submitted,

Tanya Y. Calahan
Commission Clerk

FRIDAY, OCTOBER 25, 2002 - BUSINESS MEETING

ATTENDANCE:

Commissioners: Rudy Vasquez, Commission Chair; Charlotte Coker; Ellis Casson; Dallas Barnes; and J. Reiko Callner. A quorum was present.

Staff: Susan (Sue) J. Jordan, Executive Director; Dariush (D.K.) Khaleghi, Deputy Director; Tanya Calahan, Commission Clerk; Arthur Stratton, District Manager; Sharon Ortiz, Field Service Manager; Mary Clogston, Legislative and Regulatory Coordinator; and Susan Carlson, Assistant Attorney General.

OPENING

Commissioner Vasquez called the meeting to order at 8:00 a.m.

INTRODUCTION OF NEW DEPUTY DIRECTOR

Executive Director Sue Jordan introduced new Deputy Director, Dariush (D.K.) Khaleghi. Mr. Khaleghi said a few words and the Commissioners welcomed him to the agency.

APPROVAL OF MINUTES OF SEPTEMBER 26-27, 2002

Ms. Jordan and Mr. Khaleghi clarified that staff is working on a plan to restructure the agency and will present the plan to the Commissioners at a future meeting.

Commissioner Casson expressed concern about the length of the minutes and the amount of time spent by the Commissioners reviewing the minutes at meetings. After Commission discussion, Commissioner Casson made a motion that the Clerk will prepare the minutes in a more concise manner. Commissioner Callner seconded the motion with the understanding that the Clerk will provide the draft minutes to the Commissioners ahead of time. MOTION CARRIED. Although the minutes will be condensed, the meetings will be regularly recorded by audio tape by the Clerk.

Commissioner Barnes made a motion to approve the September 26-27, 2002 minutes with a correction to page eight in paragraph one: change "conducts" outreach to "does" outreach. Commissioner Coker seconded motion. MOTION CARRIED.

STATUS REPORT ON FOLLOW UP ITEMS

Commissioners and staff discussed the follow up items from the September 26-27, 2002 meeting.

Executive Director Jordan will have the background information that she and Jean Ciallella gathered about other states' boards and commissions sent to the Commissioners.

Commissioner Callner and Commission Clerk Tanya Calahan will work on pulling together legislative and other background information about old Commission policies.

CASE CLOSURES

Commissioner Coker made a motion to approve the amended case list for the period of September 21 – October 21, 2002. Commissioner Callner seconded the motion.
MOTION CARRIED.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Sue Jordan reviewed her monthly written Executive Director's Report.

Commissioner Casson requested that the Executive Director not read her monthly report verbatim. The Commissioners discussed options for the Director to present her report. They then agreed that the Executive Director will continue to prepare monthly written reports but she will not read them verbatim. She will expand on the written information and answer Commissioner questions raised regarding the report.

COMMISSIONER QUESTIONS FOR THE ATTORNEY GENERAL

Assistant Attorney General (AAG) Susan Carlson reviewed her October 23, 2002 memo to the Commissioners.

Commissioner questions about labor and personnel issues will be deferred to AAG Stewart Johnston. He will answer labor and personnel questions at an upcoming Commission meeting.

The Commissioners discussed what the Deputy Director's authority would be in the absence of the Executive Director. Commissioner Callner will draft a policy about Deputy Director acting authority in the absence of the Executive Director for discussion by the Commissioners. Commissioner Casson suggested that discussion regarding this issue take place during the January 2003 Commission meeting.

Commissioner Callner inquired about the appropriateness of Commissioners sending their input to her regarding the draft policy in light of Open Public Meetings Act (OPMA) restrictions. AAG Susan Carlson discussed the provision of the OPMA and cautioned about using email to discuss issues. Commissioner Callner will send out the draft policy regarding Deputy Director authority to Commissioners with a carbon copy to Commission Clerk Tanya Calahan. Ms. Calahan will gather Commissioner comments and compile them into a document and distribute to all Commissioners for discussion at the January 2003 Commission meeting.

Commissioner Coker made a motion that Assistant Attorney General Stewart Johnston

attend the November 2002 Commission meeting to answer Commissioner labor and personnel questions. Commissioner Callner seconded the motion. MOTION CARRIED.

2003 COMMISSION MEETING SCHEDULE

The Commissioners discussed the draft 2003 Commission meeting schedule.

The Commissioners voted four to one to have the Yakima Commission meeting in April 2003.

Commission Clerk Tanya Calahan will follow up and check to see if Bellingham area schools are in session in late May to determine if the May 2003 Commission meeting needs to be earlier in the month.

Commissioner Coker made a motion to adopt the draft 2003 Commission meeting schedule with the following changes: January will be in Sea Tac, April will be in Yakima, July will be in Silverdale, September will be in Moses Lake, and October will be announced at a later date. Commissioner Casson seconded the motion. MOTION CARRIED.

DRAFT ORGANIZATIONAL ISSUE GRID

Commissioner Callner highlighted the two draft organizational issue grids. She explained how the two grids can be combined into a single document and used as a tool to help with identifying issues for discussion by the Commissioners. The Commissioners discussed how it can be used to collect information to help with decision making. It can also help discussions take place in a more efficient and effective manner; clarify Commission directives; identify priorities; separate strategic vs. operational issues; separate main and sub issues; and establish a history regarding Commission decisions.

Commissioners Vasquez and Callner will work together to combine the two grids together. It will then be distributed to all Commissioners for discussion at an upcoming Commission meeting.

AGENCY BUDGET

Commissioner Barnes highlighted his October 21, 2002 memo in which he raised concern about the Commission's 2003-2005 budget submittal without Commissioners' approval and other issues. The Commissioners discussed the historical practice of delegating budget preparation from the Commissioners to staff. AAG Susan Carlson commented that if the Commission as a body has concerns about the current agency budget preparation and submittal process, they can vote and change the process. If one or two have objections, the budget moves ahead.

Commissioner Barnes requested that the record reflect that he would like a more active role in the agency's budget process.

THURSDAY NIGHT COMMISSION MEETINGS

Commissioner Barnes spoke about his October 21, 2002 memo regarding different ideas for Commission activities as part of Thursday night Commission meetings.

He shared ideas about having incentive events, seminars, staff recognition events, work shops, and public forums. The Commissioners discussed their role in taking a more active role in targeting the community and the need to allow the community to have access to the Commission. Commissioner Casson requested that the Commissioners discuss whether or not to continue to hold Thursday night community meetings during the January 2003 Commission meeting.

AGENCY SELF ASSESSMENT

Legislative and Regulatory Coordinator Mary Clogston provided the Commissioners context regarding the agency's self assessment and explained what it is. It is a management tool and can be used by management for agency quality improvement and to monitor internal processes. The assessment tells agency management where the agency is in the journey toward becoming a world class organization in fulfilling its mission. The Commissioners can ask management for a quality improvement plan for better results and hold management accountable for improving scores. The results of agency self assessment are given to the Governor's office.

Ms. Clogston highlighted the agency's self assessment scores over the past five years. She also answered Commissioner questions regarding the self assessment.

OUTREACH AND MARKETING REPORT AND PROPOSAL

Executive Director Sue Jordan reviewed the Outreach and Marketing Plan Proposal.

Commissioner Callner suggested that the Commission decide what it needs to do about marketing and outreach, identify timelines; and aim for a goal. The Commissioners discussed the agency logo and tagline and whether or not they need to be changed. They also discussed how the strategic plan ties into marketing and outreach. Commissioner Vasquez suggested that a process be put in place to obtain feedback from the community about their needs and perceptions about the Commission before using a new agency logo and tagline.

The Commissioners requested regular written status reports regarding strategic planning activities. It will be part of the Executive Director's monthly report.

Commissioner Casson suggested that if there are funds available, Executive Director Sue Jordan should look into obtaining additional space for the Yakima office. Ms. Jordan and Deputy Director D.K. Khaleghi will continue to work on obtaining additional space for the Yakima office.

DEBRIEFING REGARDING FARM WORKER PUBLIC FORUM

The Commissioners discussed drafting a report regarding the previous night's farm worker public forum. Commissioner Callner will take the lead in drafting the report with agency staff support.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:50 pm.

Respectfully submitted,

Tanya Y. Calahan
Commission Clerk

ACTION ITEMS - OCTOBER 24-25, 2002

1. **Item:** Draft a report regarding the October 24, 2002 farm worker forum.
Status: Commissioner Callner is taking the lead in drafting the report with the assistance of staff.
2. **Item:** Commission Clerk Tanya Calahan was directed to prepare the meeting minutes in a more concise manner.
Status: Starting with the October 24-25 meeting minutes, Commission Clerk Tanya prepared the minutes in a more condensed manner.
3. **Item:** Executive Director Sue Jordan will send the Commissioners copies of information regarding other states' boards and commissions.
Status: Tanya Calahan sent the information to the Commissioners on November 1, 2002.
4. **Item:** Commissioner Callner and Tanya Calahan will work together to gather background information regarding old Commission policies.
Status: This project is ongoing.
5. **Item:** Commissioner Callner will draft a policy regarding delegation of authority to the Deputy Director in the absence of the Executive Director. Commissioner comments regarding the draft policy will be compiled by Tanya Calahan in time for the January 2003 meeting.
Status: An update will be provided at the November 22, 2002 meeting.
6. **Item:** The Commissioners requested that Assistant Attorney General Stewart Johnston attend the November 2002 Commission meeting to address labor and personnel issues.
Status: Mr. Johnston was asked to attend the meeting and is scheduled to attend.
7. **Item:** Commissioners Vasquez and Callner will work together to combine the draft organizational issue grids.
Status: An update will be provided at the November 2002 Commission meeting.
8. **Item:** The Commissioners will discuss whether or not to continue having Thursday night community meetings.
Status: This is going to be discussed at the January 2003 Commission meeting.
9. **Item:** The Commissioners requested regular Strategic Plan status reports as part of the Executive Director reports.
Status: Monthly status reports will be provided to the Commissioners.
10. **Item:** Tanya Calahan will check with Ferndale School District to verify if school is in session in late May, during the May 2003 Commission meeting.
Status: Ms. Calahan verified that school is in session until June 13, 2003.